

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Northern Division**

**MISSISSIPPI ASSOCIATION OF
EDUCATORS¹, ET AL.,**

Plaintiffs,

Civil No. 3:25cv00417-HTW-LGI

v.

LYNN FITCH, ET AL.,

Defendants.

**SUPPLEMENT TO
PLAINTIFFS' MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiffs respectfully file this supplement to Plaintiffs Motion for Temporary Restraining Order and Preliminary Injunction [Dkt. No. 11] in order to seek a classwide preliminary injunction on behalf of the putative classes named in Plaintiffs' Proposed Second Amended Complaint [Dkt. No. 60-1]. This Court may grant preliminary injunctive relief to all members of a putative class before deciding a class certification motion. *A.A.R.P. v. Trump*, 145 S. Ct. 1364, 1369 (2025) (holding that “courts may issue temporary relief to a putative class” and that a court “need not decide whether a class should be certified . . . in order to temporarily enjoin the Government from [irreparably harming] putative class members.”); 2 William B. Rubenstein, Newberg and Rubenstein on Class Actions § 4:30 (6th ed., June 2025 Update) (collecting cases) (“[A] court may issue a classwide preliminary injunction in a putative class action suit prior to a ruling on the class certification motion”); *see also Trump v. CASA, Inc.*, 222 L. Ed. 2d 930, 963, 2025 U.S. LEXIS 2501, *49, 145 S. Ct. 2540 (Kavanaugh, J., concurring) (noting that a court has authority

¹ Plaintiff Mississippi Association of Educators has filed a Motion to be Removed as Plaintiff, Dkt. 45.

to grant “the functional equivalent of a universal injunction” by “granting or denying a preliminary injunction to a putative nationwide class under Rule 23(b)(2)”.

Plaintiffs submit six additional declarations in support of the Plaintiffs’ motion:

- Declaration of Ebony Rice: Ms. Rice is President of the Jackson Federation of Teachers (“JFT”) and writes on behalf of the organization and its members. JFT is a labor union representing current and retired educators and education professionals across Rankin County, Madison County, and Hinds County. Teachers and staff who are members of JFT fear that HB 1193 will chill discussion and instruction inside and outside the classroom that are central to their work as educators.
- Declaration of Ashley Rogers: Ms. Rogers is the lead administrative authority over teachers at McWillie Elementary School in Jackson, Mississippi. In this capacity, she would enforce HB 1193 compliance and oversee the administration of “cure[s].” The law’s lack of clarity will make her enforcement responsibility difficult and cause teachers to self-censor out of caution. As a parent of children attending Mississippi Public Schools, she believes HB 1193 will force teachers to remove core teaching material and shy away from discussion inside and outside her children’s classes.
- Declaration of Jakob Clark: Mr. Clark is the father of a teenage son attending public school in Rankin County. He expresses concern that, if allowed to move forward, HB 1193’s challenged provisions will lessen the quality and practicality of his son’s education and contribute to learned prejudicial behaviors both in and outside his son’s school.

- Declaration of Joy Parikh: Ms. Parikh is a parent of two children attending public school in the Jackson Public School District. She worries that, because HB 1193's restrictions relate to many central topics and contemporary social issues, that the law will impair her children's education by limiting their access to information and the opportunities for open discussion in their classrooms and extracurricular activities. Given her children's Asian heritage, she fears that HB 1193 will limit their ability to share and speak openly about their cultural background.
- Declaration of a Member of the United Campus Workers Southeast Local 3821 ("UCW"): UCW is a labor union representing faculty and graduate students at community colleges across Mississippi. One of its Members teaches literature courses at a community college in Mississippi that deal with themes concerning race, gender, sex, sexual orientation, and national origin. The Member believes the law's restrictions will hinder their ability to teach students to think critically and to engage meaningfully in their coursework.
- Second Supplemental Declaration of James M. Thomas: Mr. Thomas is a parent of two children in the 5th and 9th grades attending public schools in Oxford, Mississippi. He worries that HB 1193 would negatively impact his children's education and disadvantage their opportunities and success in higher education relative to students who attend public schools outside of Mississippi. He explains that because issues related to HB 1193's banned concepts are commonly taught and discussed at public schools nationwide, Mississippi public school students, including his own, will struggle comparatively.

For the reasons cited herein, Plaintiffs respectfully ask this court to enter an order granting Plaintiffs' Motion for a Preliminary Injunction as to each of the Plaintiff classes.

Dated: August 1, 2025

Respectfully submitted,

<p><u>S/ ROBERT B. McDUFF</u> ROBERT B. McDUFF MS BAR No. 2532 PALOMA WU MS BAR No. 105464 MISSISSIPPI CENTER FOR JUSTICE 210 E. CAPITOL STREET, STE 1800 JACKSON, MS 39201 PHONE: (601) 259-8484 RMCDUFF@MSCENTERFORJUSTICE.ORG PWU@MSCENTERFORJUSTICE.ORG</p> <p>AMIR BADAT MS BAR No. 106599 BADAT LEGAL PLLC P.O. Box 15 TOUGALOO, MS 39174 PHONE: (601) 462-9592 AMIR.BADAT@GMAIL.COM</p>	<p><u>S/ JOSHUA TOM</u> JOSHUA TOM MS BAR. No 105392 McKENNA RANEY MS BAR No. 106330 AYANNA HILL MS BAR No. 106590 AMERICAN CIVIL LIBERTIES UNION OF MISSISSIPPI FOUNDATION, INC. P.O. Box 2242 JACKSON, MS 39225 PHONE: (601) 354-3408 JTOM@ACLU-MS.ORG MRANEY@ACLU-MS.ORG AHILL1@ACLU-MS.ORG</p> <p>NICOLAS STANOJEVICH* QUINN, CONNOR, WEAVER, DAVIES & ROUCO LLP 2 20TH STREET NORTH, SUITE 930 BIRMINGHAM, AL 35203 PHONE: (205) 870-9989 NSTANOJEVICH@QCWDR.COM *<i>ADMITTED PRO HAC VICE</i></p> <p><i>COUNSEL FOR PLAINTIFFS</i></p>
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CERTIFICATE OF SERVICE

I certify that the foregoing has been filed on the ECF system which served all counsel of record on this 1st day of August, 2025.

s/ Amir Badat

Amir Badat

Co-counsel for Plaintiffs